

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 993**

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**Introduced by Senator Mitchell  
(Coauthors: Senators Beall and Hernandez)**

February 12, 2014

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An act to amend Sections 2585, 2586, 2586.4, and 2586.8 of the Business and Professions Code, relating to dietitians.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as amended, Mitchell. Healing arts: dietitians.

Existing law requires dietetic technicians, registered, to possess prescribed qualifications, including academic requirements, and makes it a misdemeanor for any person not meeting those requirements to use, in connection with his or her name or place of business, the term "dietetic technician, registered" or the letters "DTR."

Existing law authorizes a registered dietitian, upon referral by a health care provider, to provide medical nutrition therapy, which includes, among other things, the development of nutritional and dietary treatments for individuals or groups of patients in specified settings. Existing law allows a dietetic technician, registered to assist the registered dietitian in these circumstances in the implementation or monitoring of medical nutrition therapy. Existing law makes it a misdemeanor for a registered dietitian, or other specified nutritional professionals, to practice in a manner inconsistent with these provisions.

This bill would revise the qualifications required for a person representing himself or herself as a dietetic technician, registered and would require the dietetic technician, registered to have completed his or her course of study before assisting the registered dietitian. The bill

would also make it a misdemeanor for any person not meeting those qualifications to use, in connection with his or her name or place of business, the term “registered dietitian nutritionist” or the letters “RDN.”

This bill would also allow a registered dietitian, under the above-described circumstances, or other nutritional professional who meets specified qualifications, to develop and recommend nutritional and dietary treatments, as provided, and would allow the registered dietitian or other nutritional professional to perform nutritional assessments and to initiate nutritional interventions pursuant to a licensed health care facility’s approved nutrition screening policy and procedure, as provided. The bill would specify that these provisions do not authorize a registered dietitian, or other nutritional professional, to administer central vein or peripheral vein nutrition. This bill would also make technical, nonsubstantive changes.

By both expanding and changing the definition of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2585 of the Business and Professions
- 2 Code is amended to read:
- 3 2585. (a) Any person representing himself or herself as a
- 4 registered dietitian shall meet one of the following qualifications:
- 5 (1) Been granted, prior to January 1, 1981, the right to use the
- 6 term “registered dietitian” by a public or private agency or
- 7 institution recognized by the State Department of Public Health
- 8 as qualified to grant the title, provided that person continues to
- 9 meet all requirements and qualifications periodically prescribed
- 10 by the agency or institution for the maintenance of that title.
- 11 (2) Possess all of the following qualifications:
- 12 (A) Be 18 years of age or older.
- 13 (B) Satisfactory completion of appropriate academic
- 14 requirements for the field of dietetics and related disciplines and

1 receipt of a baccalaureate or higher degree from a college or  
2 university accredited by the Western Association of Schools and  
3 Colleges or other regional accreditation agency.

4 (C) Satisfactory completion of a program of supervised practice  
5 for a minimum of 900 hours that is designed to prepare entry level  
6 practitioners through instruction and assignments in a clinical  
7 setting. Supervisors of the program shall meet minimum  
8 qualifications established by public or private agencies or  
9 institutions recognized by the State Department of Public Health  
10 to establish those qualifications.

11 (D) Satisfactory completion of an examination administered by  
12 a public or private agency or institution recognized by the State  
13 Department of Public Health as qualified to administer the  
14 examinations.

15 (E) Satisfactory completion of continuing education  
16 requirements established by a public or private agency or institution  
17 recognized by the State Department of Public Health to establish  
18 the requirements.

19 (b) Any person representing himself or herself as a dietetic  
20 technician, registered shall possess all of the following  
21 qualifications:

22 (1) Be 18 years of age or older.

23 (2) Satisfactory completion of either of the following:

24 (A) Appropriate academic requirements for dietetic technicians,  
25 registered, receipt of an associate's degree or higher from a college  
26 or university accredited by the Western Association of Schools  
27 and Colleges or other regional accreditation agency, and at least  
28 450 hours of supervised practice experience. Supervisors of practice  
29 experiences shall meet the minimum qualifications established by  
30 public or private agencies or institutions recognized by the State  
31 Department of Public Health to establish the qualifications.

32 (B) Appropriate academic requirements for the field of dietetics  
33 and related disciplines and receipt of a baccalaureate or higher  
34 degree from a college or university accredited by the Western  
35 Association of Schools and Colleges or other regional accreditation  
36 agency.

37 (3) Satisfactory completion of an examination administered by  
38 a public or private agency or institution recognized by the State  
39 Department of Public Health to administer the examination.

(4) Satisfactory completion of continuing education requirements established by a public or private agency or institution recognized by the State Department of Public Health to establish the requirements.

(c) It is a misdemeanor for any person not meeting the criteria of subdivision (a) or (b) to use, in connection with his or her name or place of business, the words “dietetic technician, registered,” “dietitian,” “dietician,” “registered dietitian nutritionist,” “registered dietitian,” “registered dietician,” or the letters “RD,” “RDN,” “DTR,” or any other words, letters, abbreviations, or insignia indicating or implying that the person is a dietitian, dietetic technician, registered, registered dietitian, or registered dietitian nutritionist or to represent, in any way, orally, in writing, in print or by sign, directly or by implication, that he or she is a dietitian, a dietetic technician, registered, a registered dietitian, or a registered dietitian nutritionist.

(d) Any person employed by a licensed health care facility as a registered dietitian on the effective date of this chapter may continue to represent himself or herself as a registered dietitian while employed by a licensed health care facility, if he or she has satisfied the requirements of either paragraph (1) or paragraph (2) of subdivision (a), except that he or she shall not be required to satisfy the examination requirement of subparagraph (B) of paragraph (2) of subdivision (a).

(e) Notwithstanding any other law or regulation that limits reimbursement to state licensed health care providers and upon referral by a physician and surgeon, the following persons may be reimbursed for the nutritional advice or advice concerning proper nutrition as set forth in Section 2068, or for the nutritional assessments, counseling, and treatments as set forth in Section 2586:

(1) Registered dietitians.

(2) Other nutritional professionals with a master’s or higher degree in a field covering clinical nutrition sciences, from a college or university accredited by a regional accreditation agency, who are deemed qualified to provide these services by the referring physician and surgeon.

(f) Nothing in this section shall be construed to mandate direct reimbursement of registered dietitians, or other nutrition professionals described in subdivision (e), as a separate provider

1 type under the Medi-Cal program, nor to mandate reimbursement  
2 where expressly prohibited by federal law or regulation.

3 SEC. 2. Section 2586 of the Business and Professions Code is  
4 amended to read:

5 2586. (a) (1) Notwithstanding any other law, a registered  
6 dietitian, or other nutritional professional meeting the qualifications  
7 set forth in subdivision (e) of Section 2585 may, upon referral by  
8 a health care provider authorized to prescribe dietary treatments,  
9 provide nutritional and dietary counseling, conduct nutritional and  
10 dietary assessments, and develop and recommend nutritional and  
11 dietary treatments, including therapeutic diets, for individuals or  
12 groups of patients in licensed institutional facilities or in private  
13 office settings. The referral for medical nutrition therapy shall be  
14 accompanied by a written prescription signed by the health care  
15 provider detailing the patient's diagnosis and including either a  
16 statement of the desired objective of dietary treatment or a diet  
17 order. The registered dietitian, or other nutritional professional  
18 meeting the qualifications set forth in subdivision (e) of Section  
19 2585, may perform nutritional assessments and initiate nutritional  
20 interventions within the parameters of the prescribed diet order  
21 pursuant to a licensed health care facility's approved nutrition  
22 screening policy and procedure. The registered dietitian, or other  
23 nutritional professional meeting the qualifications set forth in  
24 subdivision (e) of Section 2585, shall collaborate with a  
25 multidisciplinary team, which shall include the treating physician  
26 and the registered nurse, in developing the patient's nutrition care  
27 plan. Unless otherwise stated in the ~~prescribed~~ diet order by a  
28 patient's provider, the registered dietitian, or other nutritional  
29 professional meeting the qualifications set forth in subdivision (e)  
30 of Section 2585, may individualize the patient's nutritional or  
31 dietary treatment when necessary, by modifying the ~~distribution~~  
32 ~~type distribution, type,~~ or quantity of food and nutrients within the  
33 parameters of the ~~prescribed~~ diet order. Any modification, and the  
34 rationale for the modification, shall be documented in the patient's  
35 record for review by the ~~prescribing provider.~~ *physician responsible*  
36 *for the care of the patient.* Nothing in this subdivision shall be  
37 construed to authorize a registered dietitian, or other nutritional  
38 professional meeting the qualifications set forth in subdivision (e)  
39 of Section 2585, to order or administer a central vein or peripheral  
40 vein nutrition.

1 (2) The services described in this subdivision may be termed  
2 “medical nutrition therapy.”

3 (b) A registered dietitian, or other nutritional professional  
4 meeting the qualifications set forth in subdivision (e) of Section  
5 2585, may accept or transmit verbal orders or electronically  
6 transmitted orders for medical nutrition therapy from the referring  
7 physician or the physician responsible for the care of the patient  
8 in a licensed health care facility.

9 (c) A registered dietitian, or other nutritional professional  
10 meeting the qualifications set forth in subdivision (e) of Section  
11 2585, may order medical laboratory tests related to medical  
12 nutrition therapy services when approved by the referring physician  
13 or the physician responsible for the care of the patient and when,  
14 in the absence of the referring physician or physician responsible  
15 for the care of the patient at a patient visit, in a clinic where there  
16 is a registered nurse on duty, a registered nurse is notified that a  
17 medical laboratory test is being ordered and is afforded an  
18 opportunity to assess the patient.

19 (d) (1) Notwithstanding any other law, a dietetic technician,  
20 registered meeting the qualifications set forth in Section 2585 may,  
21 under the direct supervision of a registered dietitian, assist in the  
22 implementation or monitoring of services specified in subdivision  
23 (a), but shall not develop nutritional or dietary therapy or treatments  
24 or accept or transmit verbal orders.

25 (2) (A) For purposes of this subdivision, “direct supervision”  
26 means the supervising registered dietitian shall be physically  
27 available to the dietetic technician, registered for consultation  
28 whenever consultation is required. However, in the case of a small  
29 or rural hospital, as defined in Section 124840 of the Health and  
30 Safety Code, the registered dietitian may be available for  
31 consultation by telephone or other electronic means, provided that  
32 the registered dietitian is physically on the facility site a sufficient  
33 amount of time to provide adequate supervision over and review  
34 of the work of the dietetic technician, registered.

35 (B) For purposes of this subdivision, “physically available”  
36 means physical onsite presence during regular business hours, and  
37 includes telephonic or electronic availability at all times and the  
38 ability to respond to the facility within a reasonable period of time  
39 when required. The registered dietitian shall review any activities

1 performed by the dietetic technician, registered during any period  
2 when the registered dietitian was not physically onsite.

3 (3) For purposes of this subdivision, a registered dietitian shall  
4 not supervise more than two dietetic technicians, registered at one  
5 time.

6 (e) It is a misdemeanor for a person specified in subdivision (e)  
7 of Section 2585 to practice in a manner inconsistent with the  
8 requirements set forth in this section.

9 (f) Nothing in this section shall preclude a person specified in  
10 subdivision (b) or (e) of Section 2585 from providing information  
11 as permitted by Section 2068.

12 (g) For purposes of this section, “health care provider” means  
13 any person licensed or certified pursuant to this division, or  
14 licensed pursuant to the Osteopathic Initiative Act or the  
15 Chiropractic Initiative Act.

16 (h) The requirement of a written prescription shall be deemed  
17 to be satisfied by an entry in the patient records of a patient who  
18 is undergoing treatment at a licensed health care facility if the  
19 contents of the patient records reflect the information required by  
20 this section.

21 (i) Nothing in this section or Section 2585 shall be interpreted  
22 to establish educational criteria or practice restrictions or limitations  
23 for other health care providers licensed under Division 2  
24 (commencing with Section 500) or the Osteopathic Initiative Act  
25 or the Chiropractic Initiative Act.

26 SEC. 3. Section 2586.4 of the Business and Professions Code  
27 is amended to read:

28 2586.4. A person may engage in the activities set forth in  
29 subdivision (d) of Section 2586 if the person meets both of the  
30 following requirements:

31 (a) The person is engaged in the activities as part of a supervised  
32 practice program for a dietetic technician, registered pursuant to  
33 subparagraph (A) of paragraph (2) of subdivision (b) of Section  
34 2585.

35 (b) The person has completed a course of study to fulfill the  
36 educational requirements for a dietetic technician, registered in  
37 subparagraph (A) or (B) of paragraph (2) of subdivision (b) of  
38 Section 2585.

39 SEC. 4. Section 2586.8 of the Business and Professions Code  
40 is amended to read:

1     2586.8. A person may engage in the activities set forth in  
2 subdivision (d) of Section 2586 for six months from the date he  
3 or she completed the academic requirements for dietetic technicians  
4 specified in subparagraph (A) or (B) of paragraph (2) of subdivision  
5 (b) of Section 2585, or until the person receives notice that he or  
6 she has failed the examination specified in subdivision ~~(d)~~, (c),  
7 whichever occurs first, if all of the following conditions apply:

8     (a) The person performs under the direct and immediate  
9 supervision of a registered dietitian.

10    (b) The person has written verification, including the program  
11 director's original signature, that the person has completed the  
12 educational program and possesses an associate's degree or higher.

13    (c) The person has applied to take the dietetic technician,  
14 registered examination specified in paragraph ~~(4)~~ (3) of subdivision  
15 (b) of Section 2585 and is waiting for an examination date.

16    SEC. 5. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.